

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN RUSSELL BLACKWELL,

Defendant.

**CR-17-13-H-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 19, 2021. (Doc. 71.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 15, 2021. (Doc. 66.) The United States accused Blackwell of violating his conditions of supervised release 1) by failing to comply with the terms of his home confinement; 2) by failing to report for substance abuse treatment on three separate occasions; 3) by failing to maintain full time employment; 4) by using methamphetamine on two

separate occasions; and 5) by failing to report for substance abuse testing. (Doc. 64.)

At the revocation hearing, Blackwell admitted to violating the conditions of his supervised 1) by failing to comply with the terms of his home confinement; 2) by failing to report for substance abuse treatment on three separate occasions; 3) by failing to maintain full time employment; 4) by using methamphetamine on two separate occasions; and 5) by failing to report for substance abuse testing. (Doc. 66.) Judge Johnston found that the violations Blackwell admitted proved to be serious and warranted revocation, and recommended that Blackwell receive a custodial sentence of 8 months 48 months of supervised release to follow. (Doc. 71.) Blackwell was advised of his right to appeal and his right to allocute before the undersigned. (Doc.66.) The violations prove serious and warrant revocation of Blackwell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 71) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Brian Russell Blackwell be sentenced to the custody of the United States Bureau of Prisons for 8 months, with 48 months of supervised release to follow.

DATED this 3<sup>rd</sup> day of August, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

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Brian Morris, Chief District Judge  
United States District Court